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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,108	06/02/2000	Neil A Willcocks	2280.2620	6805
5514 7590 07/16/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PHAM, THIERRY L	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/587,108	Applicant(s) WILLCOCKS ET AL.	
	Examiner Thierry L. Pham	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-65 and 83-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-65 & 83-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

- This action is responsive to the following communication: Reply to Notice of Noncompliant filed on 4/17/07.
- Claims 31-65 & 83-92 are pending; claims 1-30 and 66-82 have been canceled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-65, 83-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofman et al (US 6230073) and in view of Over et al (US 6538767).

Regarding claim 31, Kofman discloses a system (fig. 3) for enabling a user to submit a customizable image (any pictorial representation image, col. 1, lines 15-16) to be printed directly on a planar surface (col. 2, lines 23-32 and col. 5, lines 3-10) of a sugar shell or jellybean comprising:

- a second computer (computer 100, fig. 3);
- an ink-jet printer (printer 80, fig. 3) adapted to receive the image data from the second computer and print directly on a planar surface (col. 3, lines 25-40 and col. 4, lines 30-35) of a sugar shell candy (col. 5, lines 5-10) or a jellybean a high quality (col. 2, lines 26-28) that corresponds to the received image data in the manufacture (col. 4, lines 50-51) of personalized shell candy or jelly beans.

However, Kofman fails to explicitly teach and/or suggest a network for receiving an image data from a first computer and fails to teach and/or suggest printing an image data on a non-planar surface using an inkjet printer having resolution greater than 200 dpi.

Over, in the same field of endeavor for printing, discloses a first computer (receiving system 5, fig. 1) and a printer (printing system 10, fig. 1) that prints an image data on a non-

Art Unit: 2625

planar surface (non planar surface, col. 2, lines 52-67, fig. 10) using an inkjet printer having resolution greater than 200 dpi (col.11, lines 25-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace and/or modify Kofman's printer 80 with an inkjet printer 10 as per teachings of Over so customized and/or personalized image can be printed on both a planar and non planar surface.

Therefore, it would have been obvious to combine Kofman with Over to obtain the invention as specified in claim 31.

Regarding claim 32, Over further discloses a system according to Claim 31, wherein the network is the Internet (Internet network is well known and widely used in the art) and the first computer is a client computer operable to run Web browser software adapted to send and receive Hypertext Markup Language (HTML) forms over the World Wide Web.

Regarding claim 33, Over further discloses a system according to Claim 31, wherein the network is a local area network (fig. 1).

Regarding claim 34, Over further teaches a system according to claim 31, wherein the ink-jet printer prints on the confectionery product using a dispersed pigment food-grade ink to obtain a printed image having resolution greater than 200 dpi (col. 11, lines 25-40) even if printed using a single printhead and single pass printing.

Regarding claim 35, Kofman further discloses ink-jet printer is a drop-on-demand ink-jet printer (col. 7, lines 52-53).

Regarding claim 36, Over further teaches wherein the printed image has a resolution between 300 and 1200 dpi (col. 11, lines 25-40).

Art Unit: 2625

Regarding claim 83, Kofman further teaches a system according to claim 31, further comprising a subsystem for holding (fig 6) the confectionery product transiently in position for printing.

Regarding claim 88, Kofman further teaches a system according to claim 31, wherein the customizable image is a personalized message (col. 1, lines 10-16). Also see Yu for customizable message to be printed.

Regarding claims 37-65, and 84-87, 89-92 recite limitations that are similar and in the same scope of invention as to those in claims 31-36, 83, and 88 above; therefore, claims 37-65, and 84-87, 89-92 are rejected for the same rejection rationale/basis as described in claims 31-36, 83, and 88.

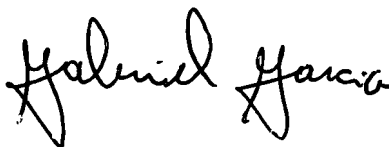
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



**GABRIEL GARCIA  
PRIMARY EXAMINER**